

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTHONY DAVIS,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

CASE NO. C15-5092 BHS

ORDER DENYING
PETITIONER'S MOTION FOR
RELIEF FROM JUDGMENT

This matter comes before the Court on Petitioner Anthony Davis's ("Davis") second motion for relief from judgment (Dkt. 29).

On February 24, 2015, Davis filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Dkt. 6. On May 4, 2015, Judge Strombom issued a Report and Recommendation ("R&R") recommending the Court deny Davis's habeas petition because Supreme Court precedent precludes Davis from challenging his 1986 convictions. Dkt. 18 at 4. On July 7, 2015, the Court adopted the R&R and denied Davis's petition. Dkt. 20. The Court entered judgment that same day. Dkt. 21. On August 18, 2015, Davis filed a motion for relief from judgment, arguing the Court failed

1 to review the entire record. Dkt. 24. On October 1, 2015, the Court denied Davis's
2 motion as frivolous. Dkt. 27.

3 On October 15, 2015, Davis filed another motion for relief from judgment. Dkt.
4 29. This time, Davis argues the Court's denial of his habeas petition deprived Davis of
5 due process and denied him access to the courts. *Id.* at 5. The Court finds that this
6 motion is also frivolous because it lacks an arguable basis in law or fact. Therefore, the
7 Court **DENIES** the motion. The Court also declines to issue a certificate of appealability
8 because reasonable jurists would not debate the validity of Davis's motion. *See Slack v.*
9 *McDaniel*, 529 U.S. 473, 483–84 (2000). Any other documents filed in this matter will
10 be placed in the case file, but will not be noted for consideration.

11 **IT IS SO ORDERED.**

12 Dated this 24th day of November, 2015.

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15 BENJAMIN H. SETTLE
16 United States District Judge
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